

REMARKS/ARGUMENTS

This amendment responds to the Office Action dated March 28, 2008 in which the Examiner objected to the Disclosure, claims 11 and 66, rejected claims 14-15, 38-39, 55-56 under 35 U.S.C. § 112, second paragraph, and rejected claims 11-24 and 35-66 under 35 U.S.C. § 103.

As indicated above, the Specification has been amended to indicate the minimum frame rate for both PAL and NTSC. Therefore, Applicants respectfully request the Examiner withdraws the objection to the Disclosure.

As indicated above, claim 11 has been amended in order to correct a minor informality. Therefore, Applicants respectfully request the Examiner withdraws the objection to claim 11.

As indicated above, claim 66 has been cancelled without prejudice.

As indicated above, claims 13 and 18 have been incorporated into claims 11, 35, 49, 50-52, 67 and 68. Therefore, Applicants respectfully submit that the rejection to the claims under 35 U.S.C. § 112, second paragraph no longer applies. Therefore, Applicants respectfully request the Examiner withdraws the rejection to the claims under 35 U.S.C. § 112, second paragraph.

Claims 11, 49, 50 and 51 claim an apparatus for encoding picture signals, and claims 35, 52, 67 and 68 claim a method for encoding picture signals. Multiplex data contains encoded picture data and encoded audio data. A time period of encoded P and B picture data is the same as a time period of encoded audio data.

By have the time period of the P or B picture data be the same as the time period of the audio signal, as claimed in claims 11, 35, 49-52, 67 and 68, the claimed invention provides an apparatus and method in which the time period of a P or B picture allows a still picture to be

displayed. The prior art does not show, teach or suggest the invention as claimed in claims 11, 35, 49-52, 67 and 68.

Claims 11-12, 14, 16-17, 20, 23-24, 35-36, 38 40-41, 44, 47-53, 55, 57-58, 61 and 64-68 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hashimoto, et al.* (U.S. Patent No. 6,111,604) in view of *Kato* (U.S. Patent No. 6,148,031). Claims 13, 15, 18-19, 37, 39, 42-43, 54, 56 and 59-60 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hashimoto, et al.* in view of *Kato*, and further in view of ISO/IEC 11172-1.

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Hashimoto, et al. appears to disclose an image data compression/expansion circuit 12 used to encode and decode images using known image compression methods (Col. 6, lines 62-66). FIG. 11 illustrates a process for capturing and storing video and audio information (Col. 9, lines 46-47). A relations file 266 describes the correspondence between the video and audio files (Col. 9, lines 62-63). The relation file can indicate information of just a still image, the combination of a still image and audio data, and information of successive images (Col. 10, lines 1-3).

Thus, *Hashimoto, et al.* merely discloses a relation file indicating information of just a still image, the combination of a still image with audio data and information of successive images. Nothing in *Hashimoto, et al.* shows, teaches or suggests a time period of an encoded P or B picture data being the same as a time period of an encoded audio data as claimed in claims 11, 35, 49-52, 67 and 68. Rather, *Hashimoto, et al.* merely discloses a relations file.

Kato appears to disclose an operation keyboard 32 provided with a trigger switch for continuous image taking and a trigger switch for still image taking (Col. 3, lines 35-38). When the operation keyboard 32 issues a continuous image taking command, the image compression/decompression circuit compresses the output of the camera signal processing circuit 16 according to a motion JPEG standard. When a still image taking request is input during the continuous image taking, the system control circuit 26 tags with a still image taking flag the corresponding frame of the image information (Col. 3, lines 42-51).

Thus, *Kato* only discloses tagging a still image with a flag. Nothing in *Kato* shows, teaches or suggests a time period of an encoded P or B picture data being the same as a time period of an encoded audio data as claimed in claims 11, 35, 49-52, 67 and 68. Rather, *Kato* only discloses tagging a still image during continuous image taking.

ISO discloses at 1-A.6.3 packets constructed with a common number of packet-data-byte entries. Stuffing bytes are used to insure that all packets have 20 header bytes and 2028 data bytes.

Thus, ISO merely discloses having the same number of bytes in a packet by padding. Nothing in ISO shows, teaches or suggests a timing period of an encoded P or B picture data being the same as a time period of the encoded audio data as claimed in claims 11, 35, 49-52, 67 and 68. Rather, only the size of the packets is disclosed in ISO and not the time period.

Since nothing in *Hashimoto, et al.*, *Kato*, or ISO show, teach or suggest the time period of picture data being the same as the time period of encoded audio data as claimed in claims 11, 35, 49-52, 67 and 68, Applicants respectfully request the Examiner withdraws the rejection to claims 11, 35, 49-52, 67 and 68 under 35 U.S.C. § 103.

Claims 12, 14-17, 19-20, 23-24, 53, 55-58, 60, 61 and 64-65 recite additional features.

Applicants respectfully submit that these claims would not have been obvious within the meaning of 35 U.S.C. § 103 over *Hashimoto, et al.*, *Kato* and ISO, at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 12, 14-17, 19-20, 23-24, 53, 55-58, 60, 61 and 64-65 under 35 U.S.C. § 103.

Claims 21-22, 45-46, and 62-63 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hashimoto, et al.* in view of *Kato*, and further in view of *Ejima, et al.* (U.S. Patent No. 6,327,423).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Hashimoto, et al.*, *Kato* and ISO show, teach or suggest the primary features as claimed in claims 11 and 52, Applicants respectfully submit that the combination of the primary references with the secondary reference to *Ejima, et al.* will not overcome the deficiencies of the primary reference. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 21-22 and 62-63 under 35 U.S.C. § 103.

New claims 69 and 70 have been added and recite additional features. Applicants respectfully submit that these claims are also in condition for allowance.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

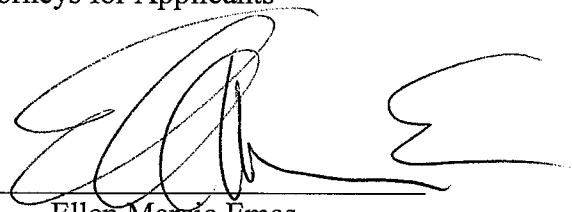
In the event that any additional fees are due with this paper, please charge to our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: May 27, 2008

By

A handwritten signature in black ink, appearing to read 'Ellen Marcie Emas', written over a horizontal line.

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